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REGIONAL BRIEF

Prospects for Democratic Elections in Nicaragua

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On April 21, 1989, the Nicaraguan National Assembly adopted a package of electoral and press law reforms designed to comply with an agreement reached in February by the five Central American presidents. Under this package, the Sandinista government promised new presidential and assembly elections on February 25, 1990. It also restructured the Supreme Electoral Council to include representation from Nicaragua's political opposition. It abolished censorship of the news media and suspended provisions for indefinite closings of print and broadcast outlets. But, the package's effect is limited. For instance, seats on the Supreme Electoral Council have been filled on the basis of lists prepared by President Ortega, and according to provisions which assure Sandinista control. Further, rules governing access to state and privately owned media sharply limit time for political messages, to the disadvantage of the opposition. The government also can continue to suspend broadcasts or publications temporarily.

While electoral reforms appear to have improved prospects for open and fair elections, institutional safeguards to prevent governing party manipulation of the campaign and vote are not yet in place. In the current environment, marked by pervasive Sandinista control of government armed forces, police , and judiciary, the key to an honest outcome is an unequivocal commitment by the Sandinistas and the opposition to the democratic process.

Recent Electoral History

Factional rivalries long have characterized Nicaraguan politics, making peaceful transitions from one government to another difficult and seldom long lasting. When the 40-year Somoza dictatorship was overthrown by a coalition of civic groups and opposition political parties in 1979, the incoming Governing Junta of National Reconstruction promised a new democratic model and periodic elections. But, the Sandinista National Liberation Front (FSLN) soon became the dominant force in the transitional government imposing a state of emergency and announcing that no elections would be held until 1985.

By early 1984, the Sandinista Directorate's refusal became the subject of growing international criticism and internal discontent. As a result, the FSLN announced plans to hold elections on November 4, 1984, even though hardline party leaders termed them "a nuisance" and a tactical artifice for consolidating power.

Meanwhile, the Council of State, a nonelected interim legislature dominated by the FSLN wrote an electoral law which kept the opposition parties from being represented on national and local electoral councils. Also, the voting age was lowered from 18 to 16, enfranchising some 100,000 youths who, by then, had experienced 5 years of indoctrination in the partisan school system.

In July 1985, the FSLN announced that junta coordinator Daniel Ortega would be the party's nominee for president. The FSLN temporarily reinstated some of the rights suspended by the 2-year-old state of emergency, although the measure itself remained in effect. During campaign rallies, government-organized mobs known as *turbas divinas* (divine mobs) attacked opposition candidates and activists with rocks and pipes. Access to state-controlled media was restricted, while the country's few independent press outlets were censored. Furthermore, the government rationed supplies to the opposition while the FSLN used state resources for its campaign. As a result, the principal group of democratic opposition parties and private sector groups known as the Democratic Coordinating Board (*Coordinadora*) and presidential candidate Arturo Cruz refused to participate. Six smaller parties, including three which shared the Sandinista's Marxist ideology, formed a shadow opposition. In October, the largest of the six, the Independent Liberal Party, withdrew, citing government harassment.

With only token opposition, the FSLN and its nominee, Daniel Ortega, took the presidency and 61 of the 96 seats in the new National Assembly.

The Elections In Brief

Date: February 25, 1990.

Officials to be elected:
President, Vice President, National Assembly members, members of the municipal councils and delegates to the Central American Parliament.

Agencies with major roles:

- Supreme Electoral Council —supervises campaign and elections. Appoints members of regional, departmental, and local councils.
- Interior Ministry—controls police, mass organizations, and media.

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The Central American Peace Plan

On August 7, 1987, the presidents of the five Central American nations agreed to a regional peace plan authored by Costa Rican President Oscar Arias. Known as Esquipulas II after a regional diplomatic process first begun in Esquipulas, Guatemala, the accord established broad commitments toward democratization, cessation of internal hostilities, amnesty for political prisoners, an end to aid for insurgent movements in neighboring countries, and national reconciliation. The steps applied to all signatories, even though some had less to do to achieve democratic reforms than others. All of the measures were to have been implemented within 90 days of the signature.

The following January, the five Central American presidents agreed that all countries needed to implement some steps to be in full compliance, but that Nicaragua had the most to do to democratize. On January 16, Nicaraguan President Daniel Ortega responded by lifting the 5 1/2 year-old state of emergency, abolishing political tribunals, and beginning peace talks with the Nicaraguan Resistance. In March, the FSLN agreed to a 60-day truce with the Resistance and promised "unrestricted freedom of expression." Nevertheless, the Sandinista police and *turbas* continued to harass the opposition. And the government censored the media by rationing supplies and shutting down independent news outlets that reported on the draft, economy, or other items concerning "national security."

The national dialogue mandated by the peace plan produced little progress, meeting only briefly in the fall of 1987 and the spring of 1988. Opposition representatives proposed a 17-point constitutional reform package that included separating the army and the police from the Sandinista political party. The opposition warned that unless such links were dissolved, Nicaragua's political system could never truly be free. Over the next 2 years, major points of contention remained the army's relationship to the party and the existence of the mass organizations—points which the FSLN considered non-negotiable.

Supreme Electoral Council—Named June 7, 1989

Sandinistas	**Mariano Fiallos**—President of Supreme Electoral Council. Headed council during disputed 1984 elections. FSLN activist and former rector of Nicaraguan Autonomous University.
Sandinistas	**Leonel Arguello**—Member of 1984 council. Directs Institute of Insurance and Reinsurance—an FSLN research facility.
Opposition	**Aman Sandino**—Member of Democratic Conservative Party which is outside the 14-member opposition bloc. Party is frequent collaborator with FSLN in National Assembly politics.
Opposition	**Guillermo Selva**—Engineer and member of Independent Liberal Party—inside the 14-member opposition bloc. Studied in the U.S.
Neutral Notable	**Rodolfo Sandino**—Supreme Court judge under Somoza and dean of Central American Law School under the Sandinistas. Sandino was elected unilaterally by the Sandinista dominated National Assembly without consultation with the opposition.

Tesoro Beach Accords

On February 14, 1989, the five Central American presidents met at El Tesoro, El Salvador to reinforce earlier efforts to bring peace and democracy to the region. They agreed that in return for planning for the voluntary repatriation of Central American rebel forces—including the Nicaraguan Resistance—that the Sandinista government would have to take concrete steps to open its political system.

They signed a joint declaration that created the framework for new national elections specifying, in part, that:

> . . . once reforms have been made in electoral legislation and in laws regulating the expression of ideas, information, and the structure of public opinion in such a way as to guarantee political organization and action in the broadest sense for political parties, an initial four-month period for preparation, organization, and mobilization of the parties will be opened. Immediately following the expiration of the period, a new six-month period of political activity will begin, at the end of which elections for President, Vice President, and representatives to the National Assembly, municipalities, and to the Central American Parliament will be held. Elections shall take place no later than February 25, 1990, unless the Government and the opposition political parties agree that they should be held on another date.
>
> The Government of Nicaragua will form a Supreme Electoral Council with a balanced participation of representatives from the opposition political parties.

The Sandinista Response

Although President Ortega held discussions with leaders of 14 of the opposition political parties, no direct good-faith talks with the united opposition took place. The National Assembly approved Ortega's electoral and media reforms on April 21.

Electoral laws. The composition of the five-member Supreme Electoral Council was changed to allow opposition parties up to two representatives on the council. The FSLN retained two representatives of its own, while President Ortega made an oral agreement that a fifth "neutral notable" would be appointed from the private sector. All members were to be chosen by the National Assembly from a list of three candidates for each seat selected by the president. The council will appoint the nine regional councils and will be the arbiter of the election process.

In other changes, citizens residing outside Nicaragua may register in designated consulates or embassies, but they must return to Nicaragua to vote. All political parties may now receive funding from foreign as well as domestic sources through an instrument called the Fund for Democracy administered by the Supreme Electoral Council. Sandinista television will provide 30 minutes of TV time every day during the campaign to be divided up among the various political parties and coalitions, while state radio stations will allow up to 45 minutes. Finally, new language has been added prohibiting the use of government property for campaign purposes.

Media laws. The FSLN abolished censorship of the news media and suspended provisions for indefinite closings of print and broadcast outlets. The government may, however, temporarily halt operations if an outlet disseminates information threatening state security, national integrity, or public order. Publications may be suspended for up to three editions, radio broadcasts for 4 days, and television programs for 3 days.

Sandinista Law Versus Opposition Recommendations on Electoral Reform

Electoral Law	As Amended April 21	Opposition Proposal
Article 6: The Supreme Electoral Council (CSE)	President nominates slates of candidates for council seats from lists provided by parties. National Assembly makes final selection (announced June 7). Three out of five seats allocated to ruling political party with oral agreement to make one a "neutral notable."	Political opposition nominates its own candidates for seats. National Assembly makes final selection. One seat allocated to ruling party, one to a mutually agreeable neutral figure, and 3 seats to be divided among 14 united and 7 splinter opposition parties.
Article 35: Registration and Voting	Citizens not residing in Nicaragua may register abroad to vote in national elections but must return to cast their ballot. Military members can register and vote where they serve on active duty.	Citizens traveling or residing abroad may register and vote by absentee ballot in national elections. Military may not vote.
Article 109: Access to the Media	Political parties will be allowed the following access (presidential race) to the media during 80-day campaign period: 1) 30 minutes/day on state TV channels. 2) 45 minutes/day on 16 government radio stations. Free access to 3 independent stations. Time will be allotted in equal shares for parties or alliances. Fees fixed by CSE.	Political parties will be guaranteed access according to the following formula: 1) 60 minutes/day on state TV. 2) 45 minutes/day on government radio. Free access to independent stations. Air time will be distributed equally by political party and time slots allocated by lottery supervised by all parties.
Articles 123 and 127: Funding and Donations	Fifty percent of state funds provided for campaign use distributed in equal shares to each party or coalition. The other half will be allocated according to previous percentage of vote. Parties must give half of all donations from foreign sources to the CSE.	Allotments shared equally by all parties regardless of whether they are part of a coalition or participated in the last election. Parties and alliances will be free to accept donations from foreign sources without restriction.
National Census	Not addressed.	To be completed prior to voter registration to assure process integrity.
Media Law		
Articles 7, 14, and 42	Censorship laws abolished. Indefinite suspensions of media outlets eliminated. Temporary suspensions for violating media laws to be enforced by Interior Ministry.	Legal sanctions for media law violations to be handled in judicial system, not Interior Ministry. The government to license the operation of private television stations.
Other		
Observers	Organization of American States invited to observe, but diplomats in Managua excluded from monitoring process.	Welcome broad spectrum of international observers.

The Opposition Response

Electoral laws. According to the opposition, the new reforms do not address the basic structural political problems. It has charged that the ruling party sits as a majority on the Supreme Electoral Council since the President and the Sandinista-controlled assembly chose the council members, even though the various parties provided names. As a result, the FSLN still controls the council. In contrast, the opposition recommended that the parties nominate their own candidates and that the council be apportioned to provide better representation to the rest of the political spectrum. Under the opposition plan, the FSLN would have had one seat, the numerous opposition parties would compete for three seats, and the fifth seat would be given to a mutually agreeable neutral figure.

The opposition has questioned voting privileges for the 120,000-member Sandinista military—citing institutional links to the Sandinista Party and the extensive ideological indoctrination received by soldiers. Alternatively, the opposition has proposed separating the Sandinista Party and the armed forces to transform the military into a nonpolitical institution. So far, the FSLN has been unwilling to consider these suggestions, and, at present, it is unclear whether the soldiers will even vote outside their barracks.

Time allocations for TV and radio advertising have been criticized as unnecessarily restrictive. Thirty minutes of television time daily split among all parties and coalitions would only amount to a few minutes apiece. Access to the state media monopoly is only guaranteed during the 80-day campaign period. The opposition considers additional time—at least an hour shared by all parties daily on Sandinista TV to be more fair.

The opposition has called for public campaign funds to be distributed equally among parties. But the new law sets aside just 50% for equal distribution, while the other half will be allocated on the basis of the percentage of votes garnered in the 1984 election. Since most of the prominent opposition parties boycotted those elections (which they charged were unfair), the Sandinistas would receive most of the funds while the remainder would be divided among six splinter parties.

Although independent parties may now theoretically accept foreign donations, they must be received through the government's Fund for Democracy. Half of the contributions may be distributed to the specified party, while the other half will be deposited in a common fund to defray election expenses. So far, there are no evident checks and balances in auditing the fund. The opposition claims that this could make any foreign donation to their parties an equal contribution to the FSLN which already receives external funding from the Soviet bloc and Cuba. It has suggested that each party should keep all of its own donations.

Finally, the opposition has called for a national census—the first since 1971—prior to issuing voter registration cards as a means of checking whether registration lists accurately reflect the population.

Media laws. The opposition points out that, despite revised media laws, the Interior Ministry retains substantial control over the press. Private television stations are not permitted and the government still controls access to supplies and resources used by the media. Newspapers and broadcasting outlets may still be shut down temporarily based on arbitrary determinations of what constitutes a threat to state security. The opposition advocates that determining violations of the media laws should be a matter for the courts and that private television stations should be allowed.

Prospects for a Fair Election

Following the February 1989 meeting of the five Central American presidents, the Nicaraguan Government took some steps to foster a more democratic environment. Some members of the FSLN have said that they will cede power if the opposition is elected. The government also has invited international observers, including the Organization of American States, to monitor the campaign and vote. But, at the same time, it has placed severe restrictions on observation by local diplomats which counters the spirit of free elections. In addition, outside firms are still banned from conducting polls in Nicaragua.

To a great degree, the success of the upcoming Nicaraguan vote will depend on the government's commitment to ensure balance and openness during the campaign, the vote, and the tally. Considering remaining Sandinista Party controls over the army, national police, media, and semiofficial mass organizations, prospects for fair elections and the transfer of power to a freely elected government remain an open question.

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